

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
FOR THE WESTERN DIVISION

VIVIAN BERT, et al., : CASE NO. 1:02CV00467
Plaintiffs, : Judge Beckwith
v. :
AK STEEL CORPORATION, :
Defendant. :

Deposition of THADDEUS R. FREEMAN, taken on
Tuesday, June 5, 2007, commencing at 9:10 a.m., at
the offices of Taft, Stettinius & Hollister LLP,
425 Walnut Street, Suite 1800, Cincinnati, Ohio,
before Susan M. Barhorst, Notary Public.

AROUND-THE-CLOCK REPORTING SERVICES
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1 APPEARANCES:
 2 On behalf of Plaintiffs:
 3 Susan Donahue, Esq.
 Wiggins, Childs, Quinn & Pantazis, PC
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 5 Birmingham, Alabama 35203
 6 On behalf of Defendant AK Steel Corporation:
 7 Patricia A. Pryor, Esq.
 Taft, Stettinius & Hollister LLP
 8 425 Walnut Street, Suite 1800
 Cincinnati, Ohio 45202-3957
 9
 10 Also present:
 11 Neeraj Gupta
 12 Cross-Examination
 13 by Ms. Pryor 4
 14 * * *

15 FREEMAN DEPOSITION EXHIBITS MARKED/IDENTIFIED
 16 1 7
 17 2 16
 18 3 19
 19 4 22
 20 5 25
 21 6 31
 22 7 40
 23 8 43
 24 9 43

Page 3

1 FREEMAN DEPOSITION EXHIBITS MARKED/IDENTIFIED
 2 (Continued)
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 4 10 47
 5 11 48
 6 12 51
 7 13 51
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1 THADDEUS FREEMAN
 2 being first duly sworn, testified as follows:
 3 CROSS-EXAMINATION
 4 BY MS. PRYOR:
 5 Q. Mr. Freeman --
 6 A. Yes.
 7 Q. -- we met. I'm Patty Pryor. I
 8 represent AK Steel in the lawsuit you filed against
 9 them. Could you state your name for the record?
 10 A. Thaddeus Roland Freeman.
 11 Q. Have you ever been involved in civil
 12 litigation before?
 13 A. No.
 14 Q. Never had your deposition taken
 15 before?
 16 A. Just with this.
 17 Q. This is it?
 18 A. Right.
 19 Q. Okay. Let me just give you a few
 20 ground rules. If you don't understand a question,
 21 please ask me to rephrase it or repeat it. If you
 22 don't hear a question, please ask me to repeat it.
 23 If you need to take a break at any time, please let
 24 me know. You're welcome to do that. You're

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1 welcome to juice, water, coffee. Restrooms are
 2 right outside if you need to use them. No nodding
 3 or shaking of the head. You need to answer
 4 verbally "yes" or "no" --
 5 A. Okay.
 6 Q. -- so the court reporter can take down
 7 everything you said. Any questions about any of
 8 that?
 9 A. No.
 10 Q. Okay. Is there any reason that you
 11 cannot testify today?
 12 A. No.
 13 Q. Okay. Do you take any medication?
 14 A. I do take medication.
 15 Q. What kind of medication do you take?
 16 A. I take Lipitor.
 17 Q. What's that for?
 18 A. My heart.
 19 Q. Anything else?
 20 A. No.
 21 Q. Did you take your Lipitor today?
 22 A. No, I didn't take it today.
 23 Q. Do you normally take it in the
 24 morning?

<p style="text-align: right;">Page 6</p> <p>1 A. No, not normally. 2 Q. Okay. Have you ever been convicted of 3 a crime? 4 A. No. 5 Q. What's your current address? 6 A. 2601 El Camino Drive. 7 Q. How do you spell that? 8 A. E-L, C-A-M-I-N-O. 9 Q. Is that in Middletown? 10 A. Yes. 11 Q. Was your previous address 2637 12 Cincinnati-Dayton Road? 13 A. Yes. 14 Q. And you're married? 15 A. Yes. 16 Q. And is your wife's name Alfreda -- 17 A. Alfreda. 18 Q. -- Janell Freeman? 19 A. Right. 20 Q. And what's your educational 21 background? 22 A. High school. 23 Q. Where did you go to high school? 24 A. Middletown.</p>	<p style="text-align: right;">Page 8</p> <p>1 been a long time. I can't recall. 2 Q. Would that have been someone at the 3 unemployment office? 4 A. Yes. 5 Q. Do you remember anything that they 6 said? 7 A. No -- 8 Q. Okay. 9 A. -- not really. 10 Q. And you were -- I assume you were 11 allowed to apply? 12 A. Oh, yes. 13 Q. Was anyone hostile to you during the 14 application process? 15 A. No, not that I can remember. I don't 16 recall. 17 Q. And did you physically go to AK Steel 18 at all to apply? 19 A. I went to AK to apply to have -- they 20 have a office on-site. I don't know if it's a 21 human resource office. And I think they told me to 22 go to the unemployment office. They were taking 23 applications there. 24 Q. Okay. Did they tell you anything</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And when did you graduate? 2 A. '75. 3 Q. Okay. Have you ever had any degrees, 4 courses or training? 5 A. No, not really. 6 Q. Mr. Freeman, you've been handed what's 7 been marked Exhibit 1. Is that your application to 8 AK Steel? 9 A. Looks like it. 10 Q. Okay. Is that your handwriting? 11 A. Yeah, it looks like my handwriting. 12 Q. And on the last page, is that your 13 signature at the bottom? 14 A. Yes, that is my signature. 15 Q. Okay. And did you submit this 16 application on or about October 20th, 1999? 17 A. Yes. 18 Q. Where did you submit this application? 19 A. I think it was in Hamilton, I think. 20 Q. Where at in Hamilton, was there -- 21 A. I think it was a unemployment office. 22 Q. Did you speak with anyone? 23 A. I think I spoke to someone about -- 24 you know, applying for employment at AK, like it's</p>	<p style="text-align: right;">Page 9</p> <p>1 else -- 2 A. No. 3 Q. -- at AK Steel? 4 A. No. 5 Q. Did you apply any other time other 6 than this October 20th, 1999 application to AK 7 Steel? 8 A. I applied -- I think I applied one 9 more time in and around 2001. I'm -- I can't 10 recall the exact date and time. 11 Q. Okay. 12 A. But I think I put one more application 13 in. 14 Q. Okay. And did you do that at the same 15 place, the unemployment office? 16 A. You know, the thing about it was -- 17 the thing about Hamilton was they had it on Main 18 Street, unemployment office. Then they changed and 19 they opened a new federal building downtown 20 Hamilton and they changed it to that location. 21 Q. Okay. 22 A. So it was two different locations. 23 Q. Okay. So the second time you 24 applied --</p>

<p style="text-align: right;">Page 10</p> <p>1 A. I think it was at the federal building 2 the last -- the second time I filled out a 3 application. 4 Q. And did you speak to anyone at that 5 time about your application? 6 A. Just the person at the desk. 7 Q. Do you remember that conversation? 8 A. Not really, no. 9 Q. Okay. Was anyone hostile to you that 10 time? 11 A. No. 12 Q. And did you go to -- did you 13 physically go to AK Steel that time? 14 A. No, I don't think so at that time, no. 15 Q. And do you remember what month it 16 would have been in 2001? 17 A. I want to say -- seemed like it was 18 warm. I want to say it was maybe in June, July. I 19 can't -- I'm -- 20 Q. Okay. 21 A. I don't know the exact date. 22 Q. Okay. Let's look at the Exhibit 1. 23 You list -- on the last page, you list three 24 references.</p>	<p style="text-align: right;">Page 12</p> <p>1 Kroger? 2 A. I'm a meat manager. 3 Q. What's your rate of pay? 4 A. Right about 18 bucks. 5 Q. Now, are you in the union or are you 6 outside the union? 7 A. I'm in the union. 8 Q. In the union? And what kind of 9 benefits do you get? 10 A. Medical, eyeglass, dental, retirement. 11 Q. And do you pay for any of those? 12 A. I pay a little on my medical. 13 Q. Do you know how much roughly? 14 A. 25 a week. 15 Q. What kind of retirement do you have? 16 A. It's -- I'm vested. It's through my 17 union, meat union, plus 401K. 18 Q. How long have you been the meat 19 manager? 20 A. About five -- five, six years. 21 Q. And on your application, you list 22 Dillman Foods -- 23 A. Mm-hmm. 24 Q. -- as your previous employer?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Mm-hmm. 2 Q. Do you see that? 3 A. Yes. 4 Q. Who is Odell Wize? 5 A. He's a family cousin of my step dad. 6 Q. Why do you list him as a reference? 7 A. Because I know the family. 8 Q. What about Harold Ingram, who is he? 9 A. He's a friend of mine. He has his own 10 garage. He lives right down the street from where 11 I used to live. 12 Q. Okay. And what about Vernon Calhoun? 13 A. He was my next door neighbor. 14 Q. Okay. All right. When you say that 15 you've worked at -- on your application, you say 16 you've worked at Kroger's from about May 1978 17 until -- I guess the time you submitted this? 18 A. Mm-hmm. 19 Q. Do you still work at Kroger? 20 A. Yes. 21 Q. So you've been there continuously now 22 since 1978? 23 A. Mm-hmm, I sure have. 24 Q. What's your current position at</p>	<p style="text-align: right;">Page 13</p> <p>1 A. Yes. 2 Q. Okay. And what did you do for them? 3 A. I -- I did -- basically I was a 4 grocery clerk when I started with them. I picked 5 up the meat tray in the interim when I was working. 6 Q. Okay. And you have not worked there 7 since 1977? 8 A. No. 9 Q. Okay. Have you worked anywhere else 10 besides Kroger and Dillman? 11 A. I have worked at Worthington Steel on 12 a part-time basis. I worked there about a year. 13 Q. When was that? 14 A. That was -- ain't been quite a year 15 now. I would say right around '99, right in there. 16 Q. Was it before you applied to AK Steel? 17 A. I don't know. It might have been 18 around the same time, right around the same time. 19 Q. And how long did you work for 20 Worthington Steel? 21 A. About a year. 22 Q. You did not list it on your October 23 1999 application? 24 A. No, I didn't. That, like I said, it</p>

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<p>1 was right around the same time. It might have been 2 before, a little before I filled out the ap. I 3 can't remember. 4 Q. Okay. 5 A. I don't recall exactly the time. 6 Q. Have you worked anywhere else? 7 A. I did a little security job about five 8 years ago for Burns Security. 9 Q. Was that a part time -- 10 A. Mm-hmm. Worthington Steel was part 11 time, too. 12 Q. Worthington Steel, how many hours a 13 week did you work there? 14 A. See, I think I was working -- I'm 15 going to say 25, 30 hours, something like that. 16 Q. Okay. And Burns Security, how often 17 were you working there? What kind of hours? 18 A. I was working about 30, 30 hours 19 there, too. 20 Q. And this was in addition to your full 21 time -- 22 A. Right. 23 Q. -- full-time employment at -- 24 A. Exactly.</p>	<p>1 A. I just did that maybe six months and 2 it didn't pan out. 3 Q. Is that something you did from home? 4 A. You could do it from home, yeah. You 5 had to go outside -- well, you could go outside. I 6 did try to recruit people, yeah. 7 Q. Okay. And when you applied to AK 8 Steel back in 1999, did you have any manufacturing 9 experience at that time? 10 A. No, I didn't. 11 Q. You've been handed what's been marked 12 Exhibit 2. Did you complete this applicant survey 13 in connection with your application to AK Steel? 14 A. Yeah. 15 Q. Is that your handwriting? 16 A. It looks like it, mm-hmm. 17 Q. You left number -- question number 10 18 blank. 19 A. Oh, yeah. I -- I don't know, I might 20 have missed that. 21 Q. Is that because you didn't have any -- 22 A. Right, because I -- 23 Q. -- experience in -- 24 A. -- didn't have any, right.</p>
Page 15	Page 17
<p>1 Q. -- Kroger's? And what years did you 2 work at Burns Security? 3 A. That was right around 2001, around in 4 there. 5 Q. Did you ever work for them any 6 previous time? 7 A. You mean -- 8 Q. Burns Security. 9 A. Before that -- 10 Q. Yeah. 11 A. -- or after that? 12 Q. Yeah, before that or after. 13 A. After that, no. 14 Q. Okay. How long -- 15 A. I was with them about a year, too. 16 Q. Have you worked anywhere else? 17 A. No, that's about it. 18 Q. Have you ever worked for Excel 19 Telecommunications? 20 A. That was an independent -- how can I 21 put it? That was an independent -- like you had to 22 recruit people into the program, like an Amway 23 kinda deal. 24 Q. How often did you do that?</p>	<p>1 Q. All right. In connection with your 2 November -- or your October application, did you -- 3 were you called in to take AK Steel's 4 pre-employment test? 5 A. Yes. 6 Q. And you took that roughly November 7 1999? 8 A. Yeah, right. 9 Q. Where did you -- do you know who 10 called you in to take it? 11 A. I'm trying to think. How did I get 12 that call? Or did I get a letter? Oh, I'm sorry. 13 I was thinking -- I'm thinking out loud. I'm 14 thinking I got a call, but I can't remember. 15 Q. Okay. Do you remember any of the 16 contents of that call? 17 A. No, I can't -- I can't remember. 18 Q. Did you go in to take the test? 19 A. Yes. 20 Q. Where was the test at? 21 A. It was at AK's -- I think it's their 22 human resource office. It's -- it's in the plant. 23 Q. Were you told anything at the test? 24 A. Trying to remember what were we told.</p>

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1 **We were told to just fill out the -- we were given**
2 **packets and we were told to fill out the test. And**
3 **that's the only thing I remember. They just passed**
4 **out the packets with the test and we were to take**
5 **the test and turn them back into the --**
6 Q. You say "we." Was there a group of
7 you?
8 A. **About -- about 15 of us.**
9 Q. Okay. Did you ever hear back from AK
10 Steel after that?
11 A. **No.**
12 Q. Do you know whether you passed the
13 test?
14 A. **No.**
15 Q. Do you know why you were not hired by
16 AK Steel?
17 A. **No.**
18 Q. Did you ever hear anything from AK
19 Steel about your application?
20 A. **Well, I went back, I think, a few**
21 **weeks after I -- after I took the test. It might**
22 **have been three weeks, I don't know. I went back**
23 **to their human resource office and I talked to a**
24 **lady there and I asked her about my application,**

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1 **that I hadn't heard back anything.**
2 **And she told me that she would have to**
3 **get in touch with the hiring team, if I remember**
4 **correctly, and that they would get back with me.**
5 Q. Did she tell you anything else?
6 A. **No.**
7 Q. Did you talk to anyone else at AK
8 Steel about your application?
9 A. **No, just that one lady, she just told**
10 **me that the hiring team would get back with me on**
11 **my test.**
12 Q. Okay.
13 MS. PRYOR: Let's take a quick break.
14 (Off the record: 9:29 a.m. - 9:34 a.m.)
15 Q. Mr. Freeman, you've been handed what's
16 been marked as Exhibit 3. Does this refresh your
17 memory about when your second application was?
18 A. **Mm-hmm.**
19 Q. Would have been July 2000?
20 A. **Yeah, right.**
21 Q. Okay.
22 A. **Looks like my writing.**
23 Q. Is that your signature on the last
24 page?

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1 A. **Yes.**
2 Q. Okay. And on this application, you
3 reference that you applied previously in September
4 '99?
5 A. **Mm-hmm.**
6 Q. And that's the -- actually October '99
7 application --
8 A. **Oh, okay.**
9 Q. -- that we previously looked at.
10 A. **Mm-hmm.**
11 Q. Is that correct?
12 A. **That's correct.**
13 Q. In looking at the two applications,
14 for Dillman's Food, you've got a higher rate of pay
15 on your second application than you listed on your
16 first application. Why is that?
17 A. **Oh, I -- I don't know. I must have**
18 **had a --**
19 Q. Had a bad day?
20 A. **A better day.**
21 Q. So --
22 A. **No.**
23 Q. -- do you know which one of those is
24 accurate?

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1 A. **Yeah, it was the -- well, no, I might**
2 **have been putting down when I left, that's what I**
3 **was making when I left the company.**
4 Q. Okay.
5 A. **That's -- and maybe I put something**
6 **different down the last time I --**
7 Q. Okay. And you got on this
8 application, the second application, Exhibit 4,
9 you've got --
10 MS. DONAHUE: Exhibit 3.
11 Q. I'm sorry. Exhibit 3, you've got '75
12 as your start date of -- at Dillman's. And on your
13 Exhibit 1, you have 1973 listed. Do you know which
14 of those is correct?
15 A. **Well, the thing about it was I -- I**
16 **moved -- I moved back here from Michigan about '73**
17 **or four. I was in Michigan for about three or four**
18 **years. So I might have had the -- the dates a**
19 **little confused.**
20 Q. Do you know which one is correct,
21 sitting here today?
22 A. **It's probably more closer to '75 --**
23 Q. Okay.
24 A. **-- 'cause I did -- I did -- I was just**

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1 moving back from Michigan at the time.
 2 Q. Okay. This is the application we
 3 talked about previously where you went to the
 4 federal building?
 5 A. Right. I think the second -- you mean
 6 Exhibit 3?
 7 Q. Yeah.
 8 A. Yeah, that's where I think I filled
 9 out -- yeah, and this was at the other unemployment
 10 office in Hamilton.
 11 Q. Exhibit 1 was --
 12 A. Right.
 13 Q. -- done at the unemployment office in
 14 Hamilton?
 15 A. Mm-hmm, right.
 16 Q. Okay. You've been handed what's been
 17 marked as Exhibit 4.
 18 A. Mm-hmm.
 19 Q. Is that the applicant survey that you
 20 completed --
 21 A. Yes.
 22 Q. -- in connection with your July --
 23 A. Yes.
 24 Q. -- 2000 application?

Page 23

1 A. Yes.
 2 Q. Okay. On this application -- on this
 3 applicant survey, you list question number 10, you
 4 say "one year" --
 5 A. Mm-hmm.
 6 Q. -- of experience. Where was that one
 7 year?
 8 A. That's -- that's when I worked at
 9 Worthington Steel --
 10 Q. Okay.
 11 A. -- mm-hmm.
 12 Q. Okay. So you had -- you had worked
 13 there one year --
 14 A. Right.
 15 Q. -- by the time you --
 16 A. Right.
 17 Q. -- filled out this application? Were
 18 you still working there at the time you filled out
 19 this application?
 20 A. I can't recall exactly the date I left
 21 Worthington Steel. But, like I said, it was just a
 22 one year --
 23 Q. Why did you leave?
 24 A. Well, I was working there part time

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1 and, like I said, I was pursuing AK Steel, too.
 2 And working two jobs is kind of difficult, you
 3 know. It was pretty hectic job working in a
 4 factory, and then working at Kroger's, too.
 5 Q. Did you ever try to get on full time
 6 at Worthington Steel and quit your Kroger job?
 7 A. No, no.
 8 Q. Did you want to get on full time with
 9 AK Steel and quit your --
 10 A. Yes --
 11 Q. -- Kroger job?
 12 A. -- that's what I was -- that was my
 13 intent.
 14 Q. Why did you want to get on full time
 15 at AK Steel, but not Worthington Steel?
 16 A. Well, Worthington didn't pay -- their
 17 benefits and their pay wasn't --
 18 Q. Okay.
 19 A. -- wasn't the best. I mean, it was
 20 all right, you know, but it wasn't up to AK
 21 Steel's.
 22 Q. What did they pay, do you remember?
 23 A. I think I was making 10 bucks an hour.
 24 Worthington was a small company.

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1 Q. Okay. And you did not list
 2 Worthington on your application?
 3 A. No, I didn't. I don't know why I
 4 didn't do that.
 5 Q. You've been handed what's been marked
 6 as Exhibit 5. Is that your resume?
 7 A. Yes.
 8 Q. Did you create or complete this
 9 resume?
 10 A. Yes.
 11 Q. Do you know, did you ever turn in a
 12 resume to AK Steel?
 13 A. I think I did, but I don't recall if
 14 I -- 'cause this -- this particular -- this is a
 15 pretty -- I've had this for, oh, God, I know 10
 16 years. I'm trying to remember what -- where I took
 17 this application. I mean, the resume. I might
 18 have. I can't recall if I -- if I put one in AK or
 19 not.
 20 Q. Okay.
 21 A. Can't recall.
 22 Q. You said -- have you changed this
 23 resume at all --
 24 A. No, I haven't.

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1 Q. -- in 10 years?
 2 A. **I haven't changed it. It does need**
 3 **some updating.**
 4 Q. I notice the Worthington Steel is not
 5 listed on here.
 6 A. **No, na-huh.**
 7 Q. And is this -- earlier you talked
 8 about working at Burns Security around 2001.
 9 A. **Yeah.**
 10 Q. Does this refresh you that it was --
 11 A. **Yeah.**
 12 Q. -- in -- it would have been '93 to
 13 '98, roughly?
 14 A. **Yeah.**
 15 Q. After you submitted your July 2000
 16 application, did you ever hear back from AK Steel?
 17 A. **My -- you talking about this in --**
 18 Q. Exhibit 4 --
 19 A. **No, I never --**
 20 Q. -- or three.
 21 A. **No, no, I never heard any --**
 22 Q. You never heard back?
 23 A. **Never heard back from them.**
 24 Q. Did someone from AK Steel call you and

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1 tell you that you needed to reapply in November and
 2 submit some evidence as to what you've done since
 3 you'd taken the test the first time?
 4 A. **I did get a call. Somebody called and**
 5 **said I need to reapply. And I can't remember**
 6 **exactly the time that was -- that call came. I**
 7 **think they called me at work and said I needed to**
 8 **reply -- or reapply. I don't know what time frame**
 9 **that was. I can't remember. I don't recall right**
 10 **now --**
 11 Q. Okay.
 12 A. **-- what time frame that was.**
 13 Q. Did they tell you anything about the
 14 retesting requirements?
 15 A. **No, no.**
 16 Q. Okay. But you do remember receiving a
 17 call --
 18 A. **Yeah, I --**
 19 Q. -- and telling you something about
 20 reapplying?
 21 A. **Yeah, right.**
 22 Q. You don't recall the full substance of
 23 that conversation?
 24 A. **It was -- she -- she called me at work**

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1 **and I just remember her saying that I needed to**
 2 **reapply.**
 3 Q. Do you know who that was that called
 4 you?
 5 A. **It was a lady. I don't -- I can't**
 6 **remember exactly who she was.**
 7 Q. Okay. And you did not reapply; is
 8 that correct?
 9 A. **Well, yeah, that's what I'm trying --**
 10 **I don't know if this was the 2000 -- I can't**
 11 **remember the time frame.**
 12 Q. You don't know if she may have called
 13 before --
 14 A. **Right.**
 15 Q. -- the 2000 time frame?
 16 A. **I -- I can't remember what time frame**
 17 **she called me.**
 18 Q. Okay.
 19 A. **But I know it was -- I know it was**
 20 **after I had taken the test --**
 21 Q. Okay.
 22 A. **-- the first time.**
 23 Q. Did she reference the test in her
 24 call?

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1 A. **No.**
 2 Q. Okay. But you know she called after
 3 the test?
 4 A. **It was after the test.**
 5 Q. But you don't know whether it was
 6 before or after this application?
 7 A. **That, I don't remember. But I know it**
 8 **was after the test --**
 9 Q. Okay.
 10 A. **-- that I had taken.**
 11 Q. Okay. Other than that call, have you
 12 heard anything else from anyone at AK Steel about
 13 your application?
 14 A. **No.**
 15 Q. Did anyone at AK Steel ever tell you
 16 why you were not hired?
 17 A. **No.**
 18 Q. Did anyone at AK Steel ever say
 19 anything to you about your race?
 20 A. **No.**
 21 Q. Did anyone ever -- at AK Steel ever
 22 say anything or do anything that you believe to be
 23 discriminatory?
 24 MS. DONAHUE: Object to the form.

<p style="text-align: right;">Page 30</p> <p>1 That calls for a legal conclusion.</p> <p>2 MS. PRYOR: You can answer.</p> <p>3 MS. DONAHUE: You can answer.</p> <p>4 A. What was the question?</p> <p>5 Q. Sure. Did anyone at AK Steel ever say</p> <p>6 or do anything that you believe to be</p> <p>7 discriminatory?</p> <p>8 A. The only thing that I thought was kind</p> <p>9 of odd, when we -- when I filled out the</p> <p>10 application in Hamilton, there was a piece of paper</p> <p>11 in with the application that asked for your race,</p> <p>12 asked for your -- what race you are.</p> <p>13 That's the only thing that kind of --</p> <p>14 I was wondering why that was -- I mean -- and I</p> <p>15 know a lot of applications do ask for race, but</p> <p>16 that was the one thing I noticed on the</p> <p>17 applications, they always ask for your race.</p> <p>18 Q. Now, is that what -- are you referring</p> <p>19 to the bottom?</p> <p>20 A. There was a -- there was a sheet of</p> <p>21 paper and it was in with the application. Now, I</p> <p>22 don't -- I don't see that piece of paper here,</p> <p>23 but --</p> <p>24 Q. Okay. So you're not referring to the</p>	<p style="text-align: right;">Page 32</p> <p>1 race off?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Other than that, was there</p> <p>4 anything that AK Steel ever did or said that you</p> <p>5 believe to be discriminatory?</p> <p>6 MS. DONAHUE: Object to the form.</p> <p>7 Calls for a legal conclusion. Go ahead.</p> <p>8 A. Not -- no.</p> <p>9 Q. Have you ever heard from anyone else</p> <p>10 that anyone at AK Steel ever said anything about</p> <p>11 your race?</p> <p>12 A. No.</p> <p>13 Q. Have you ever heard from anyone else</p> <p>14 that anyone at AK Steel ever said or did anything</p> <p>15 that was discriminatory?</p> <p>16 MS. DONAHUE: Object to the form.</p> <p>17 Calls for a legal conclusion.</p> <p>18 A. Well, you know, as far as that's</p> <p>19 concerned, I -- I've always heard about</p> <p>20 discrimination going on with the company with</p> <p>21 people that have worked in the plant.</p> <p>22 Q. And who have you heard that from?</p> <p>23 A. Just -- just people that work at the</p> <p>24 plant.</p>
<p style="text-align: right;">Page 31</p> <p>1 front page --</p> <p>2 A. No, no.</p> <p>3 Q. -- of the application itself?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you know, was it a -- the</p> <p>6 Ohio Bureau of Unemployment's piece of paper?</p> <p>7 A. That, I don't know. I don't know. I</p> <p>8 just know it was in with the AK application.</p> <p>9 Q. And I've handed you what's been marked</p> <p>10 as Exhibit 6 and I know obviously that's not yours,</p> <p>11 but that's a form that you're referring to?</p> <p>12 A. I don't see anything about race on</p> <p>13 here.</p> <p>14 Q. About midway, in the middle there,</p> <p>15 there's a section.</p> <p>16 A. Oh, yeah, mm-hmm, yeah.</p> <p>17 Q. Is that the form that you're referring</p> <p>18 to?</p> <p>19 A. Mm-hmm, yeah, because the second time</p> <p>20 I filled it out, I left the race off of it.</p> <p>21 Q. Okay.</p> <p>22 A. Mm-hmm, yeah. So I -- yeah, yeah,</p> <p>23 that's the one, mm-hmm.</p> <p>24 Q. So you're saying in 2000, you left the</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Anybody in particular?</p> <p>2 A. Mostly blacks.</p> <p>3 Q. Anybody -- can you name anybody who's</p> <p>4 said that?</p> <p>5 A. Well, Allen Roberts, one.</p> <p>6 Q. What did he tell you?</p> <p>7 MS. DONAHUE: Object. Let me just</p> <p>8 interject here, since he's a plaintiff in this</p> <p>9 lawsuit. Anything that Allen told you in the</p> <p>10 presence of your attorneys --</p> <p>11 THE WITNESS: Oh.</p> <p>12 MS. DONAHUE: -- is privileged</p> <p>13 information, so I just want to caution you to --</p> <p>14 about that.</p> <p>15 Q. What has Allen Roberts told you?</p> <p>16 MS. DONAHUE: With the exception of --</p> <p>17 Q. With the exception of anything he was</p> <p>18 telling you with attorneys --</p> <p>19 A. Oh, oh --</p> <p>20 Q. -- what has Allen --</p> <p>21 A. -- well, we were talking about the</p> <p>22 ratio of blacks compared to whites at the plant.</p> <p>23 MS. DONAHUE: And this was outside of</p> <p>24 the presence of your attorneys?</p>

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1 THE WITNESS: Right.
 2 Q. When was that conversation?
 3 A. Oh, God. That's -- that's been going
 4 on for years. I mean, that's something that I'd
 5 said last five, seven, eight years.
 6 Q. Did he tell you that more than once?
 7 A. Well, it was pretty well known in
 8 Middletown.
 9 Q. What is well known?
 10 A. That there's not that many blacks
 11 working at AK Steel.
 12 Q. Did he tell you anything else that was
 13 discriminatory or that you felt was discriminatory?
 14 MS. DONAHUE: Objection because it
 15 calls for a legal conclusion, in terms of the word
 16 "discrimination" or "discriminatory."
 17 Q. Anything else that he told you that
 18 was -- that either he or you felt was
 19 discriminatory?
 20 MS. DONAHUE: Object to the form.
 21 THE WITNESS: Should I answer that?
 22 MS. DONAHUE: Yeah, yeah.
 23 THE WITNESS: Oh, okay.
 24 MS. DONAHUE: I'm just making my

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1 objection.
 2 A. Oh, okay. All right. Well, like I --
 3 like I said, the only thing is just that the --
 4 like I said, the amount of blacks working out
 5 there, some discrimination problems that we've had
 6 in the past out there. I don't know.
 7 Q. What are the other discrimination
 8 problems you've had?
 9 MS. DONAHUE: Object to the form.
 10 MS. PRYOR: He's waiting to make
 11 sure --
 12 THE WITNESS: Oh, okay.
 13 MS. DONAHUE: Yeah, it's fine.
 14 THE WITNESS: Oh, okay.
 15 MS. DONAHUE: I'm just making
 16 objections for the record. Unless I instruct you
 17 not to answer --
 18 THE WITNESS: Oh, okay.
 19 MS. DONAHUE: -- then just go ahead
 20 and answer.
 21 A. Okay. I think -- I think that just
 22 talking to people that I know that work there, that
 23 there has always been an air of discrimination
 24 and -- and racial tension a little bit in the

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1 plant.
 2 Q. Okay. Anyone other than Allen Roberts
 3 tell you that?
 4 A. There's -- you know, I can name a lot
 5 of people, but I can't -- I guess it's just -- it's
 6 kind of well known in Middletown.
 7 Q. Any specific examples, other than just
 8 there was an air of discrimination?
 9 A. No. That's all I can think of.
 10 Q. And Allen Roberts, is he related to
 11 you?
 12 A. Yeah.
 13 Q. Is he what, your cousin?
 14 A. Yeah.
 15 Q. Are any of the other plaintiffs in
 16 this action related to you?
 17 A. Vivian.
 18 Q. She's your cousin?
 19 A. Mm-hmm.
 20 Q. I assume that makes Shawn your --
 21 A. Cousin.
 22 Q. -- second cousin --
 23 A. Second cousin.
 24 Q. -- or some kind of cousin?

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1 A. Second cousin.
 2 Q. Okay. Anyone else?
 3 A. That's all.
 4 Q. Did Allen Roberts tell you that he was
 5 fired from AK Steel?
 6 MS. DONAHUE: Object to the form. And
 7 don't answer unless this was a conversation outside
 8 of the presence of your attorneys.
 9 A. Did he tell me I was -- he was fired?
 10 How did I find out? I don't think he told me. I
 11 heard about it. I -- I think maybe one of his
 12 sisters told me. I can't remember.
 13 Q. Do you know why he was fired?
 14 A. No.
 15 Q. What evidence do you have to support
 16 your claim that you were discriminated against
 17 because of your race?
 18 MS. DONAHUE: Object to the form,
 19 insofar as it calls for a legal conclusion.
 20 Q. Any --
 21 THE WITNESS: I can -- I can answer
 22 that?
 23 MS. PRYOR: Yeah.
 24 A. When I went and filled out the

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1 application, there was 15 people there and I was
2 the only black at the -- at the time. And I -- you
3 know, I just felt like my qualifications were just
4 as high as anybody at the -- at the human resource
5 office when we filled out the -- when we did the
6 testing.

7 Q. Do you know what the qualifications of
8 the other 15 applicants were?

9 A. No.

10 Q. Do you know how many, if any, of those
11 were hired?

12 A. No.

13 Q. Do you know who, if anyone, was hired
14 instead of you?

15 A. No, I don't.

16 Q. Anything else? Any other evidence
17 that you have of discrimination?

18 MS. DONAHUE: Object to the form.

19 A. No.

20 Q. When did you come to the conclusion
21 that you believed you were not hired because of
22 your race?

23 A. I think after -- you know, pursuing,
24 going to the human resources office several times

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1 after I took the test to try to find out if I had
2 passed the test or failed the test, I was told that
3 they would get back with me. They really didn't
4 get back with me. They never really told me if I
5 failed the test or passed the test.

6 So I just felt like -- you know,
7 something's -- you know, at least let me know if I
8 failed it or passed it.

9 Q. Do you know whether they called white
10 applicants who did not pass the test and tell them
11 that they did not pass?

12 A. No, I don't know.

13 Q. So roughly -- I assume, then, by your
14 answer, sometime in 2000, you concluded that it was
15 discrimination?

16 MS. DONAHUE: Object to the form.

17 A. Well, yeah, after -- after -- you
18 know, after -- after -- and just knowing things
19 about AK from the past and -- and -- and knowing
20 things in Middletown, the way it goes.

21 Q. Okay. Was this your last application,
22 July 2000?

23 A. Yes.

24 Q. Okay. You've been handed what's been

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1 marked as Exhibit 7.

2 A. Mm-hmm.

3 Q. Is that your signature at the bottom?

4 A. Yes.

5 Q. And is this a charge you filed with
6 the EEOC?

7 A. Mm-hmm.

8 Q. Yes?

9 A. Yes, I'm sorry.

10 Q. Paragraph number three, you state, "To
11 date I have received no response to my
12 application."

13 A. Mm-hmm.

14 Q. You did receive a response, in that
15 you were called in to test; is that correct?

16 MS. DONAHUE: Object to the form.
17 That mischaracterizes his testimony.

18 Q. Were you called in to test on your
19 October --

20 A. Yes.

21 Q. -- '99 application?

22 A. Yes.

23 Q. Was that a response to your
24 application, that you were called in to test?

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1 A. Well, I think what I meant by that was
2 I was never --

3 Q. Called after that?

4 A. Right.

5 Q. Okay. And in paragraph four, which is
6 the second page, you state that job openings had
7 been filled by Caucasian applicants with the same
8 or lesser qualifications than mine.

9 A. Mm-hmm.

10 Q. You don't know what their
11 qualifications were, do you?

12 MS. DONAHUE: Object to the form.
13 That mischaracterizes the testimony.

14 A. Well, I do feel like -- you know, if
15 you take a test and you have other people there and
16 they're taking the same test, that at least, I
17 think, they should let you know whether you failed
18 the test, you didn't pass the test, so that would
19 clear out any -- in my mind, it would clear out
20 any -- because at the meeting -- I mean, at the
21 testing, it was 15 white applicants there and I was
22 the only black.

23 Q. And do you know whether -- I think you
24 testified you don't know whether any of those were

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1 hired?
 2 **A. Well, I'm sure if they were hiring,**
 3 **somebody got hired.**
 4 Q. But you don't know?
 5 **A. But I don't know, but I'm just saying**
 6 **I'm sure somebody got hired because they were**
 7 **hiring people at the time.**
 8 Q. Okay. But do you know whether --
 9 here, you stated, "To the best of my information
 10 and belief, the job openings have been filled by
 11 Caucasian applicants with the same or lesser
 12 qualifications than mine."
 13 **A. Mm-hmm.**
 14 Q. Do you know any applicant who was
 15 hired who had the same or lesser qualifications
 16 than you?
 17 **A. I don't know them personally, no.**
 18 Q. Do you know about whether they had the
 19 same or lesser qualifications than you?
 20 **A. Well, I don't know. I don't know that**
 21 **for a --**
 22 Q. Okay.
 23 **A. -- you know.**
 24 Q. Okay. You've been handed what's been

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1 marked as Exhibit 8. Is that your signature at the
 2 bottom?
 3 **A. Yes.**
 4 Q. Is this another charge you filed?
 5 **A. Yes.**
 6 Q. And this looks to have been -- the
 7 date stamp is cut off by your signature. It looks
 8 like August 2000?
 9 **A. Mm-hmm.**
 10 Q. Why did you file a second charge just
 11 a few months after the May 11th charge?
 12 **A. I don't recall why that -- why we**
 13 **filed another charge. I don't -- I don't recall**
 14 **that.**
 15 Q. When you say "we," was someone else
 16 helping you file this charge?
 17 **A. Well, I'm sure I must have had some**
 18 **contact with my attorneys.**
 19 Q. Okay.
 20 **A. I -- I can't remember right offhand**
 21 **why we --**
 22 Q. You've been handed what's been marked
 23 as Exhibit 9.
 24 **A. Mm-hmm.**

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1 Q. Is that your signature on the bottom
 2 of the second page?
 3 **A. Yes.**
 4 Q. And is this an affidavit that you
 5 reviewed and signed in connection with your EEOC
 6 charge?
 7 **A. Mm-hmm.**
 8 Q. Yes?
 9 **A. Mm-hmm, looks like it, yes.**
 10 Q. All right. Is everything on it true
 11 and correct?
 12 MS. DONAHUE: Read it through.
 13 THE WITNESS: Okay. Mm-hmm, okay.
 14 Q. Yes, it's correct?
 15 **A. Yeah.**
 16 Q. Okay. Who is Bill?
 17 **A. Bill was -- he was somebody I worked**
 18 **with at Dillman's years ago.**
 19 Q. Do you know what his last name is?
 20 **A. Not right offhand. I can't think of**
 21 **Bill's last name.**
 22 Q. Do you know what his qualifications
 23 were?
 24 **A. I think he -- he was a crane operator,**

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1 **I believe. Mm-hmm, yeah, he went in as a crane**
 2 **operator.**
 3 Q. Do you know if he had prior
 4 experience?
 5 **A. No, he didn't.**
 6 Q. Do you know what his prior experience
 7 was?
 8 **A. He got laid off from -- I can't think**
 9 **of the company he got laid off from. But he -- he**
 10 **went to AK and they trained him on -- you know,**
 11 **they have training.**
 12 Q. Do you know what kind of company he'd
 13 previously worked for?
 14 **A. I -- I can't recall out -- right**
 15 **offhand what company he worked for, but I -- I**
 16 **believe he did get laid off from a previous job.**
 17 Q. Some kind of a manufacturing company
 18 or --
 19 **A. Oh, boy. I tell you, it's been so**
 20 **many years. I can't -- I can't say.**
 21 Q. You don't know what his --
 22 **A. Yeah, I can't remember.**
 23 Q. What he'd done?
 24 **A. But I know that he did train at AK for**

<p style="text-align: right;">Page 46</p> <p>1 a crane operator.</p> <p>2 Q. Okay. When was the last time you</p> <p>3 talked to Bill?</p> <p>4 A. Oh, God. It's been years. It's been</p> <p>5 a lot of years ago.</p> <p>6 Q. When did he tell you he'd been hired?</p> <p>7 A. God, he told me. I don't remember the</p> <p>8 exact date. I just remember him coming in, talking</p> <p>9 about -- you know, that he had gone on there and he</p> <p>10 was training to be a crane operator.</p> <p>11 Q. Okay.</p> <p>12 A. In fact, I don't know since this</p> <p>13 law -- this lockout, I don't know if he's even</p> <p>14 still working there now 'cause he didn't have</p> <p>15 that -- he only had maybe five or six years with</p> <p>16 the company.</p> <p>17 Q. And he told you that he knew someone</p> <p>18 in personnel?</p> <p>19 A. Yes.</p> <p>20 Q. Did you know Tracy White?</p> <p>21 A. No, I didn't know her.</p> <p>22 Q. Did anyone tell you to file a charge?</p> <p>23 MS. DONAHUE: Object to the form,</p> <p>24 if --</p>	<p style="text-align: right;">Page 48</p> <p>1 THE WITNESS: Oh, okay. I'm sorry.</p> <p>2 MS. DONAHUE: -- words.</p> <p>3 Q. You've been handed what's been marked</p> <p>4 as Exhibit 11. Is this another EEOC charge that</p> <p>5 you filed?</p> <p>6 A. Yeah, it looks like it.</p> <p>7 MS. DONAHUE: Look at all -- look at</p> <p>8 the whole thing first.</p> <p>9 THE WITNESS: Okay.</p> <p>10 MS. DONAHUE: Did you read it all the</p> <p>11 way through?</p> <p>12 THE WITNESS: Yes.</p> <p>13 Q. Have you seen it before?</p> <p>14 A. Yes.</p> <p>15 Q. Is that your signature on the bottom</p> <p>16 of the first page?</p> <p>17 A. Looks like it, yes.</p> <p>18 Q. And on the last page?</p> <p>19 A. Yes, that's mine.</p> <p>20 Q. On the second page, there's Roman</p> <p>21 Numeral II paragraph.</p> <p>22 A. Mm-hmm.</p> <p>23 Q. And about in the middle of that</p> <p>24 paragraph you state, "Because I have more than</p>
<p style="text-align: right;">Page 47</p> <p>1 MS. PRYOR: Other than an attorney.</p> <p>2 MS. DONAHUE: Don't answer if it</p> <p>3 involves a conversation with your attorney.</p> <p>4 Q. Did anyone other than an attorney tell</p> <p>5 you to file a charge?</p> <p>6 A. No.</p> <p>7 Q. Did Allen Roberts ever tell you to</p> <p>8 file a charge?</p> <p>9 A. No.</p> <p>10 Q. You've been handed what's been marked</p> <p>11 as Exhibit 10. Did you receive this document</p> <p>12 roughly March 28th, 2001?</p> <p>13 MS. DONAHUE: Read the whole document</p> <p>14 first.</p> <p>15 A. I don't quite understand this whole</p> <p>16 thing. It looks like EEO charges and they're</p> <p>17 saying they dismissed them, the charges.</p> <p>18 Q. Do you remember receiving this?</p> <p>19 A. If I -- yeah, it looks kind of</p> <p>20 familiar, but I don't remember --</p> <p>21 Q. Okay.</p> <p>22 A. -- exactly. Kind of vague on that.</p> <p>23 MS. DONAHUE: Speak up so she can hear</p> <p>24 your --</p>	<p style="text-align: right;">Page 49</p> <p>1 thirty years of continuous work experience in the</p> <p>2 grocery business cutting meat and on the assembly</p> <p>3 line in factories, I thought the position</p> <p>4 corresponded well to my qualifications."</p> <p>5 You did not have 30 years of</p> <p>6 experience in a factory, did you?</p> <p>7 MS. DONAHUE: Object to the form.</p> <p>8 A. Now, that's a misprint. I didn't -- I</p> <p>9 didn't say I had 30 years in the grocery -- I had</p> <p>10 30 years in the grocery business.</p> <p>11 Q. Right, but not -- not in the factory?</p> <p>12 A. Oh, no, no.</p> <p>13 Q. And earlier I asked you how many times</p> <p>14 you applied and you said two.</p> <p>15 A. Mm-hmm.</p> <p>16 Q. And I think we looked at both those</p> <p>17 applications. Is this wrong where it says that you</p> <p>18 applied in April 2002?</p> <p>19 A. That might have been the one -- the</p> <p>20 last time I applied. That's -- I think that's when</p> <p>21 I was -- that -- that was the last time, the</p> <p>22 2000 -- was that one?</p> <p>23 Q. You had a 1999 application and a 2000</p> <p>24 application?</p>

<p style="text-align: right;">Page 50</p> <p>1 A. Yeah, 2000.</p> <p>2 Q. Was 2000 the last time you --</p> <p>3 A. Yes.</p> <p>4 Q. -- applied? Yes?</p> <p>5 A. Yes.</p> <p>6 Q. So this here is referring back to the</p> <p>7 2000 application?</p> <p>8 A. Yes.</p> <p>9 Q. You were part of that group of</p> <p>10 individuals who filed this lawsuit -- I think</p> <p>11 roughly June 26th 2002; is that correct?</p> <p>12 A. Mm-hmm.</p> <p>13 Q. Did you see the complaint before it</p> <p>14 was filed?</p> <p>15 A. I don't understand the question.</p> <p>16 Q. Okay. Do you know what the first</p> <p>17 documents that you filed with the court asking the</p> <p>18 court for relief, it's called a complaint.</p> <p>19 Have you seen that document before?</p> <p>20 A. I may have. I can't remember right</p> <p>21 offhand.</p> <p>22 Q. Okay. You knew that the lawsuit was</p> <p>23 going to be filed --</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 A. Mm-hmm.</p> <p>2 Q. Have you ever seen this document</p> <p>3 before?</p> <p>4 A. It definitely looks familiar.</p> <p>5 Q. Looks familiar?</p> <p>6 A. Mm-hmm.</p> <p>7 Q. Okay. Were you asked to gather</p> <p>8 documents in response to this?</p> <p>9 MS. DONAHUE: Object to the form,</p> <p>10 insofar as the conversation with your attorney. I</p> <p>11 mean, I'm going to instruct him --</p> <p>12 Q. Let me ask you this. Did you gather</p> <p>13 documents?</p> <p>14 A. I don't remember exactly what I did --</p> <p>15 look for this. I don't recall.</p> <p>16 Q. Do you have any documents related to</p> <p>17 your claims in this case?</p> <p>18 A. No.</p> <p>19 MS. DONAHUE: Object to the form. I</p> <p>20 think we've produced documents in this case.</p> <p>21 MS. PRYOR: I can ask him.</p> <p>22 Q. Do you have any copies of any</p> <p>23 applications that you made?</p> <p>24 A. No, I don't.</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. -- with the court?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And you were asking for</p> <p>4 monetary damages?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And initially, you were seeking</p> <p>7 to be a class representative --</p> <p>8 A. Yes.</p> <p>9 Q. -- is that right? And were you</p> <p>10 keeping abreast of what was going on in the</p> <p>11 litigation?</p> <p>12 A. Yes.</p> <p>13 Q. You've been handed what's been marked</p> <p>14 as Exhibit 12. Did you receive a copy of that in</p> <p>15 some point January 2003 roughly?</p> <p>16 MS. DONAHUE: Read it all the way</p> <p>17 through.</p> <p>18 A. It looks familiar --</p> <p>19 Q. Okay.</p> <p>20 A. -- mm-hmm.</p> <p>21 Q. You think you might have received it?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. You've been handed what's been</p> <p>24 marked Exhibit 13.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Do you have any notes where you took</p> <p>2 notes of any conversations relating to this case,</p> <p>3 not related to what your attorney is telling you?</p> <p>4 A. No.</p> <p>5 Q. Did you keep a journal or a diary or</p> <p>6 anything like that?</p> <p>7 A. Not really.</p> <p>8 Q. Anything that you would have written</p> <p>9 down, applied at AK Steel or AK Steel told me this</p> <p>10 or any documents like that?</p> <p>11 A. No, I didn't.</p> <p>12 Q. Okay.</p> <p>13 A. No, I didn't.</p> <p>14 Q. Do you keep your tax returns?</p> <p>15 A. Some of them, some of them.</p> <p>16 Q. Do you keep your W-2's?</p> <p>17 A. A few of them, not all of them.</p> <p>18 Q. Which ones do you keep?</p> <p>19 A. I -- you know, I -- I think I had my</p> <p>20 recent -- most recent 2004, maybe through 2006.</p> <p>21 Q. Okay. What did you do with the</p> <p>22 previous ones?</p> <p>23 A. I think in -- I moved recently to my</p> <p>24 El Camino address and we kind of lost some stuff in</p>

<p style="text-align: right;">Page 54</p> <p>1 the moving.</p> <p>2 Q. Okay. When did you move?</p> <p>3 A. Two years ago, about two years ago.</p> <p>4 Q. So 2005 roughly?</p> <p>5 A. Well, yeah, right in there.</p> <p>6 Q. Okay. You've been handed what's been</p> <p>7 marked as Exhibit 14. Have you seen this document</p> <p>8 before?</p> <p>9 A. It doesn't look familiar.</p> <p>10 Q. Did you say it does not look familiar?</p> <p>11 A. It does not look familiar to me. If I</p> <p>12 did receive it, I don't quite remember seeing this</p> <p>13 one.</p> <p>14 Q. Are there any individuals who have</p> <p>15 information related to the facts with respect to</p> <p>16 your claim?</p> <p>17 A. Pardon?</p> <p>18 Q. Do you have any individuals who have</p> <p>19 information related to the facts in your claim?</p> <p>20 A. As far as --</p> <p>21 Q. Witnesses or --</p> <p>22 A. -- witnesses and that kind of stuff?</p> <p>23 Nobody but the people that are in the class with</p> <p>24 us.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. I guess this is what I gave them at</p> <p>2 the time.</p> <p>3 Q. Okay. And do you know where those tax</p> <p>4 returns are today?</p> <p>5 A. I don't -- I don't know. I mean, I --</p> <p>6 I think I gave it to them, I believe --</p> <p>7 Q. Okay.</p> <p>8 A. -- at the time.</p> <p>9 Q. And "them" being your attorneys?</p> <p>10 A. Right.</p> <p>11 Q. Okay. You say correspondence related</p> <p>12 to the EEOC charge. What does that refer to, do</p> <p>13 you know?</p> <p>14 A. No, I don't.</p> <p>15 Q. Okay. Can you think of anything that</p> <p>16 you would have that that refers to?</p> <p>17 A. No, not right offhand.</p> <p>18 Q. Anything you would have had, you would</p> <p>19 have given to your attorneys?</p> <p>20 A. Yes.</p> <p>21 Q. You've been handed what's been marked</p> <p>22 as Exhibit 15. Have you seen this document before?</p> <p>23 A. Yeah, it looks familiar.</p> <p>24 Q. And I guess the second-to-last page,</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Okay. What do the people in your</p> <p>2 class know about your claim?</p> <p>3 A. Well, they just know that I -- I</p> <p>4 applied and I took the tests and I didn't pass --</p> <p>5 or I never got any response from the test.</p> <p>6 Q. And they know that because you've told</p> <p>7 them that?</p> <p>8 A. Well, yeah.</p> <p>9 Q. Okay. Do they know it any other way?</p> <p>10 A. I don't know.</p> <p>11 Q. Did they go with you for any of</p> <p>12 those --</p> <p>13 A. No --</p> <p>14 Q. -- tests?</p> <p>15 A. No.</p> <p>16 Q. On page 11 of Exhibit 14, do you have</p> <p>17 that?</p> <p>18 A. 11?</p> <p>19 Q. Yeah. There's a number two with your</p> <p>20 name next to it and it's a list of documents</p> <p>21 underneath it.</p> <p>22 A. Mm-hmm.</p> <p>23 Q. Are those the documents that you have</p> <p>24 that are related to the claims in this case?</p>	<p style="text-align: right;">Page 57</p> <p>1 is that your signature?</p> <p>2 MS. DONAHUE: Keep going.</p> <p>3 THE WITNESS: Oh, okay.</p> <p>4 MS. DONAHUE: One more.</p> <p>5 A. Okay. Oh, okay, yes.</p> <p>6 Q. Is that your signature?</p> <p>7 A. Mm-hmm, sure is.</p> <p>8 Q. And I assume that, based on what it</p> <p>9 says, that you reviewed the answers and they're</p> <p>10 true and correct to the best of your knowledge?</p> <p>11 A. Yes.</p> <p>12 Q. And the last page of the document, is</p> <p>13 that your W-2 from 2005 and 2006 for Kroger?</p> <p>14 A. Yeah, looks like it, yes.</p> <p>15 Q. Okay. Looks like you made roughly</p> <p>16 50,000, 53,000 --</p> <p>17 A. Yes.</p> <p>18 Q. -- a year?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. On page 5, in response to</p> <p>21 interrogatory number 3 --</p> <p>22 A. Five?</p> <p>23 Q. Yeah. In response to interrogatory</p> <p>24 number three, it says you applied to AK Steel in</p>

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1 the summer of 2001.
 2 **A. Mm-hmm.**
 3 Q. Is that really the summer of 2000, the
 4 application --
 5 **A. Right, right.**
 6 Q. Okay. And let's see. What is Midwest
 7 Seafood?
 8 **A. Oh, yeah, that was a -- that was a**
 9 **seafood company I worked for on a part-time basis,**
 10 **yeah.**
 11 Q. When did you work there?
 12 **A. God, 2000 -- I want to say five.**
 13 Q. 2005?
 14 **A. Yeah.**
 15 Q. How long did you work there?
 16 **A. Almost a year.**
 17 Q. Almost a year?
 18 **A. Mm-hmm.**
 19 Q. And you made roughly \$150 a week
 20 there?
 21 **A. Yeah, right, mm-hmm.**
 22 Q. Okay.
 23 **A. It was a part-time job.**
 24 Q. Is there anywhere else that you worked

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1 or have worked in the last five, six years that we
 2 haven't talked about today?
 3 **A. No, Midwest was, I think, the last**
 4 **part-time job I had.**
 5 Q. Hard to remember, I know, the smaller
 6 things.
 7 **A. Right.**
 8 Q. Response to interrogatory number five,
 9 and this is on page 6 --
 10 **A. Mm-hmm.**
 11 Q. -- and it asks for individuals who
 12 have knowledge about or information about the
 13 allegations in the complaint.
 14 **A. Mm-hmm.**
 15 Q. And listed is Vivian Bert, Ronald
 16 Sloan, Donald Edwards and Allen Roberts.
 17 Q. Mm-hmm.
 18 Q. What does Vivian Bert know about the
 19 allegations of the complaint?
 20 **A. Well, she's one of the plaintiffs in**
 21 **the case.**
 22 Q. Does she know anything particular to
 23 your claim?
 24 **A. Yeah, I thought she was one of the --**

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1 **me and Vivian was the one that -- well, she was one**
 2 **of the persons I talked to about it.**
 3 Q. Okay. What did you tell her?
 4 MS. DONAHUE: This outside of the --
 5 Q. Outside the presence of counsel.
 6 **A. Oh, outside -- just that I -- I**
 7 **couldn't get on at AK Steel and I thought it was**
 8 **kind of strange. And she had had problems, too,**
 9 **so, you know.**
 10 Q. What did she tell about her problems?
 11 **A. She didn't go into a whole lot of**
 12 **details with hers.**
 13 Q. Okay. All right.
 14 **A. I don't -- I don't remember all**
 15 **exactly what her --**
 16 Q. What about Ronald Sloan, what does he
 17 know?
 18 **A. I -- I -- I can't recall. Ronald's --**
 19 **I can't recall right now what Ronald's deal was,**
 20 **right offhand.**
 21 Q. How do you know Ronald Sloan?
 22 **A. Just through -- well, really, I've**
 23 **known him -- I know his uncle and some of his --**
 24 **his uncle and his grandfather was police officers**

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1 **in Middletown.**
 2 Q. Okay.
 3 **A. And it's all knowing him just through**
 4 **family relations, through his -- knowing his uncle**
 5 **and -- and grandfather.**
 6 Q. Does he know anything about your
 7 claims, other than what you've told him?
 8 **A. That's about -- I'm sure that's all.**
 9 Q. Okay. What about Donald Edwards, how
 10 do you know him?
 11 **A. Just knowing -- knowing him from the**
 12 **neighborhood, you know.**
 13 Q. Does he know anything about your
 14 claims, other than what you've told him?
 15 **A. No.**
 16 Q. And same with Allen Roberts, what does
 17 he know? Does he know anything other than what
 18 you've told him?
 19 **A. No, nothing.**
 20 Q. Okay. You've been handed what's been
 21 marked as Exhibit 16.
 22 **A. Mm-hmm.**
 23 Q. Is this a copy of your bankruptcy
 24 filings?

<p style="text-align: right;">Page 62</p> <p>1 MS. DONAHUE: Look through it all the 2 way. 3 THE WITNESS: Okay. 4 Q. That looks to be your bankruptcy 5 filings? 6 A. Yes. 7 Q. And on page 2, 24 and 31, are those 8 your signatures? And I, at the very top, I've made 9 handwritten numbers at the very top right-hand 10 corner -- 11 A. Oh, okay. 12 Q. -- just for ease of -- 13 A. Okay. Which page did you say? 14 Q. Page 2. 15 A. Two? 16 Q. Is that your signature? 17 A. Yes. 18 Q. And 24? 19 A. Yes. 20 Q. And 31? 21 A. Yes. 22 Q. Okay. And you reviewed these forms 23 before you signed it? 24 A. Boy, I tell you. Did I review them?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. When I went to the bankruptcy court, I 2 met Mr. West's -- I didn't meet him, but the young 3 lady at the bankruptcy hearing. And she asked me 4 at the bankruptcy hearing if I was in a lawsuit and 5 I told her that I was in a lawsuit with AK Steel. 6 And she told me that -- were we close 7 to settlement. And I said I don't think so. She 8 said, well, don't worry about it. And that's the 9 only time that I remember anything being brought up 10 about lawsuit. 11 Q. And she was with Mr. West's office? 12 A. Yes. 13 Q. You don't know what her name was? 14 A. No, I didn't -- I don't really -- I 15 can't remember her name. 16 Q. Okay. So you guys, then, did not 17 disclose that to the bankruptcy court or the 18 bankruptcy trustee? 19 A. She just -- 20 MS. DONAHUE: Object to the form. 21 A. She just -- 22 Q. No? 23 A. She just told me not to worry about 24 it.</p>
<p style="text-align: right;">Page 63</p> <p>1 Well, yeah, pretty much. I mean, you know, I -- I 2 can't remember exactly -- you know, it's -- when 3 you going through a bankruptcy -- you know, they 4 say sign here, you -- it's -- 5 Q. Were you represented by counsel for 6 the bankruptcy, an attorney? 7 A. There was a young lady from Mr. West's 8 office that I don't know if she's a paralegal or -- 9 I know she worked in his office. She was at the 10 bankruptcy court with me -- 11 Q. Okay. 12 A. -- the day of -- 13 Q. Mr. West was the attorney you hired? 14 A. Yes. 15 Q. Okay. You understood that the 16 bankruptcy was a legal proceeding? 17 A. Yes. 18 Q. And you understood -- so that signing 19 these papers you were declaring under penalty of 20 perjury that they were true and correct? 21 A. Yes. 22 Q. And you did not disclose this 23 litigation to -- on your bankruptcy petition, did 24 you?</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. Your answer was, no, you did not 2 disclose it to -- 3 MS. DONAHUE: Object to the form. 4 That's not what he's -- mischaracterizes his 5 testimony. 6 Q. Did you disclose it to the bankruptcy 7 trustee or the bankruptcy court then? 8 MS. DONAHUE: Object to the form. 9 A. I -- I talked to the representative 10 that was there and she asked me about it. And I 11 left it up to her. I left it up to her. The 12 bankruptcy judge didn't ask me any questions. 13 Q. I understand. But when you say "the 14 representative," that was the representative from 15 Mr. West's office? 16 A. Right, right. I disclosed that to 17 her and -- 18 Q. Okay. 19 A. -- and she told me -- and she asked me 20 if we were close to settlement. I said I don't 21 think so. She said, well, don't worry about it. 22 Q. Okay. 23 A. So that's what I did. 24 Q. Okay. You've been handed what's been</p>

<p style="text-align: right;">Page 66</p> <p>1 marked as Exhibit 17. Is this a copy of your 2 discharge from bankruptcy? 3 A. Mm-hmm. 4 Q. And your debts were discharged as a 5 result of the bankruptcy proceeding? 6 A. Mm-hmm. 7 Q. Is that correct? 8 A. Yes. 9 Q. Okay. What kind of hours do you work 10 at Kroger? 11 A. 48. 12 Q. 48? 13 A. Mm-hmm. 14 Q. Okay. And why did you leave Midwest 15 Seafood? 16 A. Why? 17 Q. Yeah. 18 A. I just -- it's -- it was -- working 19 two jobs was kind of rough. 20 Q. Okay. You see a psychologist or 21 counselor for any reason? 22 A. Yes. 23 Q. You do? 24 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Marriage? Counselor or psychologist? 2 A. Psychologist. 3 Q. What's their name? 4 A. Basil. 5 Q. How do you spell that? 6 A. I don't know how he spells his last 7 name, Basil. 8 Q. Basil, B-A-S-I-L, maybe? 9 A. Yeah, I think so. 10 Q. Where is he located? 11 A. At the Highland Mental Health Center, 12 Middletown. 13 Q. Okay. How often do you go? 14 A. I -- I haven't been to him in awhile. 15 I was going like once a week -- 16 Q. Okay. 17 A. -- for about a year. 18 Q. And when was the last time you saw 19 him, roughly? 20 A. I saw him back in -- I've seen him 21 about a month ago. 22 Q. You saw him a month ago? 23 A. Yeah. 24 Q. And what all have you gone to him</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. How long have you seen them? 2 A. Oh, God. I been seeing him for at 3 least five -- five -- five, six years. 4 Q. Why did you start going to a 5 counselor? 6 A. Well, I started going to the counselor 7 because I felt like -- you know, to -- I needed to 8 talk out the situation and how I felt about the 9 fact that I couldn't get on AK, that was -- was 10 kind of a -- kinda depressing. And this -- this -- 11 I couldn't -- I couldn't figure out why I couldn't 12 get hired. 13 Q. So you're saying you went to a 14 counselor -- 15 A. And it was marital. 16 MS. DONAHUE: Wait till you hear -- 17 THE WITNESS: Oh, okay. 18 MS. DONAHUE: -- her questions. 19 THE WITNESS: I'm sorry. 20 Q. You're saying you went to a counselor 21 because of not getting hired at AK Steel? 22 A. No, some other things, too. 23 Q. Was it -- 24 A. My marriage -- marriage.</p>	<p style="text-align: right;">Page 69</p> <p>1 about? 2 A. Marital problems, the AK deal, stuff 3 like that. 4 Q. Anything besides marital problems and 5 AK? 6 A. No. 7 Q. Do you take any other medication other 8 than -- I think you told me you took something for 9 your heart. You take any medication for your 10 nerves or -- 11 A. No. 12 Q. -- any problems? 13 A. I -- he -- I -- earlier on, I was 14 on -- he had me on a -- it was a -- oh, gosh. What 15 did they call that stuff? It's for a -- it's for 16 your depression. 17 Q. How long were you on that? 18 A. About -- I was on it about six months. 19 I'm trying to think of the name of that. It wasn't 20 Paxil. Might -- no, it wasn't Paxil. I got off of 21 it 'cause I didn't -- I didn't -- but I was -- I -- 22 I can't think of the name of the medication. I 23 didn't stay on it but about six months. 24 Q. Did he ever diagnose you with</p>

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<p>1 depression?</p> <p>2 A. I don't -- I don't know if he</p> <p>3 diagnosed me, but he did recommend that I take that</p> <p>4 for awhile.</p> <p>5 Q. Did he write the prescription or did</p> <p>6 someone else write the prescription?</p> <p>7 A. You know, I'm thinking it might have</p> <p>8 been my medical doctor. It might have been my</p> <p>9 medical doctor that prescribed that. I have to --</p> <p>10 I have to -- it might have been my medical doctor.</p> <p>11 Q. Let's see. Have you applied anywhere</p> <p>12 else in the last six years that you haven't been</p> <p>13 hired at?</p> <p>14 A. No.</p> <p>15 Q. Okay. Are there any other witnesses</p> <p>16 or other individuals who you think would support</p> <p>17 any of your claims?</p> <p>18 A. You mean besides the people on that --</p> <p>19 on that class action?</p> <p>20 Q. Yes.</p> <p>21 A. I don't know. I don't know. That's a</p> <p>22 good question. I don't know.</p> <p>23 Q. Is there anyone who knows about your</p> <p>24 particular circumstances, other than you just</p>	<p>1 MS. DONAHUE: Object to the form.</p> <p>2 Asked and answered.</p> <p>3 A. No.</p> <p>4 Q. Do you have any knowledge about the</p> <p>5 other plaintiffs' claims in this case --</p> <p>6 MS. DONAHUE: Other than --</p> <p>7 Q. -- other than what they've told you?</p> <p>8 MS. DONAHUE: Other than what your</p> <p>9 attorneys may have told you.</p> <p>10 A. Nothing, nothing, other than what</p> <p>11 they've told me.</p> <p>12 MS. PRYOR: Okay. We need still his</p> <p>13 tax records and the other documents listed on the</p> <p>14 initial disclosures, which I don't think even have</p> <p>15 been produced. Subject to that, we're done for</p> <p>16 today.</p> <p>17 MS. DONAHUE: Okay. Let's take a</p> <p>18 slight break here and we will go see if we're done.</p> <p>19 MS. PRYOR: Okay.</p> <p>20 (Off the record: 10:37 a.m. - 10:42 a.m.)</p> <p>21 MS. PRYOR: Okay.</p> <p>22 MS. DONAHUE: We have no questions.</p> <p>23 All right. That's it, then. We will read and</p> <p>24 sign.</p>
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<p>1 telling them about it?</p> <p>2 MS. DONAHUE: Object to the form as</p> <p>3 asked and answered, but go ahead. You can --</p> <p>4 A. No.</p> <p>5 Q. Okay. Anyone who knows about your</p> <p>6 applications?</p> <p>7 MS. DONAHUE: Object to the form.</p> <p>8 Asked and answered.</p> <p>9 A. No.</p> <p>10 Q. Anyone who knows why you were not</p> <p>11 hired?</p> <p>12 MS. DONAHUE: Object to the form.</p> <p>13 Asked and answered. Calls for speculation.</p> <p>14 A. That, I don't know.</p> <p>15 Q. Okay. Other than the people that</p> <p>16 we've talked about, Vivian Bert, Ronald Sloan,</p> <p>17 Allen Roberts and Donald Edwards, have you talked</p> <p>18 to anyone else about your application to AK Steel?</p> <p>19 MS. DONAHUE: Object to the form.</p> <p>20 Asked and answered.</p> <p>21 A. Not that I can think of.</p> <p>22 Q. Do you have any documents that you</p> <p>23 either sent to AK Steel or that AK Steel sent to</p> <p>24 you?</p>	<p>1 (Deposition concluded at 10:43 a.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <hr/> <p>6 Thaddeus R. Freeman</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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1 CERTIFICATE

2

3 STATE OF OHIO :

4 : SS

5 COUNTY OF Hamilton :

6

7 I, Susan M. Barhorst, a Notary Public in
 8 and for the State of Ohio, duly commissioned and
 9 qualified, do hereby certify that prior to the
 10 giving of this deposition the within-named
 11 Thaddeus R. Freeman was by me first duly sworn to
 12 testify the truth, the whole truth, and nothing but
 13 the truth; that the foregoing pages constitute a
 14 true, correct, and complete transcript of the
 15 testimony of said deponent, which was recorded in
 16 stenotypy by me, and on the 18th day of June
 17 2007 was submitted to counsel for deponent's
 18 signature.

19 I further certify the within deposition was
 20 duly taken before me at the time and place stated,
 21 pursuant to the Federal Rules of Civil Procedure;
 22 that I am not counsel, attorney, relative or
 23 employee of any of the parties hereto, or their
 24 counsel, or financially or in any way interested in

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1 the within action, and that I was at the time of
 2 taking said deposition a Notary Public in and for
 3 the State of Ohio.

4 IN WITNESS WHEREOF, I have hereunto set my
 5 hand and notarial seal at Cincinnati, Ohio, this
 6 18th day of June 2007.

7

8

9

10 Susan M. Barhorst, Notary Public
 in and for the State of Ohio.
 My commission expires
 11 February 18, 2009

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